BY-LAW NUMBER 840

THE CORPORATION OF THE TOWNSHIP OF ALBION

A By-law to prohibit or regulate the use of land and regulate bulk, height, location, size, floor area, spacing, character or use of buildings or structures to be erected within the Municipality or within any defined area or areas.

THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF ALBION ENACTS AS FOLLOWS:

1. This By-law may be cited as "The General Zoning By-law of the Township of Albion."

2. In this By-law unless a contrary intention appears:

(1) "Accessory building" means a subordinate building or structure located on the same lot as a main building, the use of which is clearly incidental to that of the main building;

(2) "Agricultural Use" means general farming and the raising of and harvesting of field, bush, tree or vine crops, truck gardening, nurseries, dairying, animal husbandry, raising of poultry, and other similar projects;

(3) "Dwelling" means a building occupied or capable of being occupied as the home or residence of one or more persons;

(4) "Dwelling, One-family" means a building designed and used exclusively for occupancy by one family; family means one person or two or more persons who are related by the bonds of consanguinity, marriage or legal adoptions, with or without servants; and a maximum of two foster children, two boarders and hired men and families may be permitted;

(5) "Erect" means erect, alter, build, reconstruct or enlarge and shall include any physical operation such as excavation, filling or draining preparatory to commencing the work of erecting a building or structure, as aforesaid, and the words "erected" and "erecting" shall have a corresponding meaning;

(6) "Established Front Yard Depth" means the average set-back of the main front wall of the dwelling houses from the street line on that side of the street in the block in which the building is to be erected, as measured at the time of the passing of the By-law;

(7) "Frontage" means the width of a lot between the side lines measured along a line at right angles to the centre line of the lot and at the minimum distance from the front of the lot permitted for the erection of a building; and also shall mean frontage on public highway, for the full extent of the width of the lot;

(8) "Front Lot Line' means the line that divides a lot from the street; provided that in the case of a corner lot the shorter line that abuts a street shall be deemed to be the front lot line and the longer lot line that so abuts shall be termed the flank of the lot;

(9) "Front Yard" means a yard that extends across the full width of a lot between the front lot line and the nearest main wall of any building or structure on such lot;

(10) "Ground Floor Area" shall mean the maximum area measured to the outside walls excluding, in the case of a dwelling, any private garage, porch, verandah or sunroom, unless such sunroom is habitable at all seasons;

(11) "Hotel" means a building or part of a building that contains a general kitchen and dining room and other public rooms, the remaining rooms of which contain no provisions for cooking and are usually rented to transients as places of abode, and includes a hostel for men and women;

(12) "Light Industry" means an industry which is not offensive or likely to be offensive by reason of the amount of noise smoke, odour, vibration, dust or fumes;

(13) "Parking Space" means a rectangular space having a minimum square foot area of 200 feet and accessable from highway or lane which shall not include municipal parking area;

(14) "Rear Yard" means a yard that extends across the full width of a lot between the rear lot line and the nearest main wall of the main building or structure on such lot;

(15) "Side Yard" means a yard that extends from a front yard to a rear yard between the side of a lot and the nearest main wall of the main building or structure thereon, exclusive of any chimney breast, and wheremore than one building is erected or altered on one lot the side line of the lot shall be interpreted as the centre line between the two buildings;

(16) "Storey" means the portion of a building other than the cellar which lies between the surface of a floor and the surface of the next floor above it, or if there is no floor above it, then the space between the floor and ceiling next above it;

3. Residential requirements:

No person shall within the limits of the Township of Albion erect or use any building or structure for the purposes of a dwelling or use any land unless the following regulations are complied with, except in certain defined restricted areas.

4. The following general requirements shall apply to all residential uses:

(1) No more than one family may be permitted to occupy any dwelling;

(2) Minimum depth of front yard 60 feet for all Township roads, except the fourth line and twenty sideroad from the centre of the first concession to the fourth line and further provided that where there is an established front yard depth same shall apply;

(3) The minimum frontage of any lot shall be fifty feet;

(4) Minimum width of side yard - 10 feet;

(5) Minimum depth of rear yard - 60 feet;

(6) Maximum height of main building - 35 feet;

(7) Maximum height of accessory building - 20 feet;

(8) The maximum lot coverage by buildings shall not exceed 25 per cent of the lot area;

5. Except as provided in Section 6 hereafter all dwellings shall have a minimum ground floor area of 1400 square feet for one floor dwellings and for more than one floor dwellings a minimum ground floor area of 1100 square feet.

6. (1) A farm house shall have a minimum ground floor area of 1200 square feet for one floor dwellings and for more than one floor dwellings a minimum ground floor area of 900 square feet;

(2) In the Police Village of Palgrave and in Mono Mills on existing registered plans the minimum ground floor area shall be 1200 square feet for one floor dwellings and for more than one floor dwellings a minimum ground floor area of 900 square feet;

7. In those cases where a property comprises 45 acres or more a dwelling may be constructed thereon having a minimum ground floor area of 1200 square feet for one floor dwellings and for more than one floor dwellings a minimum ground floor area of 900 square feet;

8. In those cases where a property consists of 45 acres or more and the Planning Board has consented to a severance of a minimum area of one-half acre and the frontage of such one-half acre is not less than 100 feet, the floor area requirements for the dwelling on the severance shall be as in section 7 above. This provision shall apply only to the first severance in each 45 acres.

9. Commercial Requirements:

No person shall within the limits of the Township of Albion erect or use any building or structure for any commercial

purpose or use any land unless the following regulations are complied with, namely:

(1) Minimum area of lot - ½ acre;

(2) Minimum depth of lot - 200 feet;

(3) Minimum frontage of the lot - 100 feet;

(4) Minimum depth of front yard - 60 feet;

(5) Minimum width of side yard - 10 feet;

(6) Minimum depth of rear yard - 40 feet;

(7) Where a residence is combined with a commercial use the regulation for a residence shall govern;

(8) Minimum ground floor area - 800 square feet.

10. Industrial Requirements:

No person shall within the limits of the Township of Albion erect or use any building or structure for any industrial purpose or use any land unless the following regulations are complied with, namely:

(1) Minimum area of the lot - 3 acres;

(2) Minimum frontage of the lot - 300 feet;

(3) Minimum depth of the front yard - 75 feet;

(4) Minimum width of side yard - 20 feet;

(5) Minimum depth of rear yard - 50 feet;

(6) Minimum lot depth - 400 feet;

(7) No residential use shall be combined with an industrial use except a dwelling unit for the owner, a caretaker or watchman may be permitted;

(8) When a commercial use is combined with an industrial use the regulations governing theindustrial use shall apply.

11. Restricted Areas:

(1) The provisions of this section shall apply to all those lands from a line lying 500 feet north of the county road number 9 from the east boundary of the Village of Bolton to Albion-King townline and thence southerly to include the east half of lot 7 concession 7 and west partof lot 7 in concession 8 including the

old County Road.

(2) Within the restricted area above set forth no person shall use any land or erect any building or structure except for one or more of the following purposes:

(a) A one-family dwelling house;

(b) An accessory building, a private garage or car-port;

(c) A conservation park, playground (including all accessory and customary uses);

(d) A church but not including a religious school;

(e) The keeping of not more than two foster children and of not more than two boarders or roomers.

(3) No accessory building may be erected or extended into a front yard. An accessory building, except where attached to a dwelling, shall not be built closer to a lot line than 4 feet. The rear yard requirements for an accessory building shall be 5 feet.

12. General Provisions for Zoning:

(1) No person shall, within any district or area of the Township of Albion, use any land or erect or use any building or structure except in conformity with the provisions of this Bylaw respecting the district or area in which such land, building or structure is located or respecting the district or area in which it is proposed to erect the building or structure.

(2) No person shall within the limits of the Township of Albion use any land or erect or use any building or structure for any of the following purposes:

(a) Offensive trades, including a slaughter house, a fowl killing establishment, blood boiling, bone boiling, animal or fish glue, or fertilizer factory, tannery, storage of hides, rags, bones bottles, junk, scrap or other metals, auto wrecking,yard, gas manufacturing, or any other trade, business or occupancy which is noxious or offensive within the meaning of the Public Health Act or the regulations thereunder.

(b) Dangerous trades, including gasoline or oil refinery, explosives, manufacturing or other premises not otherwise classified where highly flammable or explosive materials are manufactured or used, storage building for petroleum products, waste paper or other highly flammable or explosive materials (but excepting small quantities for sale in a retail store, properly kept and handled), a dry-cleaning establishment using flammable or explosive solvents, provided this subsection shall not apply to gasoline or fuel oil stored on farms or garages, nor to gasoline service stations.

(c) Burning and/or dumping of waste other than that produced on the property on which it is burnt except at the Municipal dump and the feeding of garbage except that produced on the property on which it is fed and except stale bakery products or distillery and brewery mash.

(3) No accessory building may be erected in or extended into a front yard or side yard. The rear yard requirement for an accessory building shall be 5 feet.

13. When the provisions of this By-law conflict with the provisions of any previous By-law, then the provisions of this By-law shall prevail.

14. Vacant lots - where at the time of the passing of this By-law a lot has not been built upon, is separately assessed and is of such area or dimension that a provision hereinbefore contained in this By-law relating to a minimum area, frontage, side yard, or rear yard requirement cannot be complied with the said lot may be used for a purpose permitted in this By-law and such provisions as to side and rear yard shall be exempted to the extent of one-half of the requirements.

15. Fencing - where part of a commercial or industrial lot is used for open storage the following shall apply:

(a) Open storage shall not be permitted within 50 feet of an existing dwelling.

(b) An open storage area shall be screened to a height of 6 feet on the front and sides of such lot and at the rear where this adjoins a residential use. The fencing material shall be suitably stained or painted.

16. Farm buildings, except farm dwellings, shall not be located closer to the street line than 250 feet nor closer to a side lot line than 50 feet, except additions to existing buildings.

17. Public Off Street Parking Areas.

(a) The owner or occupant of every building or structure to be erected or used for any purpose listed in the following schedule shall provide and maintain public motor vehicle parking facilities as follows:

(1) An auditorium, stadium, theatre, church, funeral home or other places of public assembly shall be provided with at least one parking space for each five seats of its maximum seating capacity.

(2) Hotel, motel, or tourist home, at least one parking space for each guest bedroom.

(3) Hospital, sanitorium or nursing home; at least one parking space for each two beds.

(4) A retail store having more than 2000 square feet of store area, at least two parking spaces, plus one parking space for each 300 square feet or portion thereof in excess of 2000 square feet of store floor area.

(5) An office building, clinic, bank, at least one parking space for each 300 square feet of floor space.

(6) Light industry, warehousing, storage, at least one parking space for each 300 square feet of floor space.

(7) A Dance Hall, or Assembly place without fixed seating, a Bowling Alley, at least one parking space for each 100 square feet used by the public for such purposes.

(8) A furniture store, an appliance store, a store for vehicle sales, machinery sales, a wholesale store having more

than 2500 square feet of floor area, at least one parking space for each 1000 square feet of store floor area.

(b) A parking space shall be located in the building lot in respect of which the parking space is required, and shall be served by a lane or street.

18. Reduction of Lot Area:

(a) No lot shall be so reduced in area, whether by the conveyance or alienation of any portion thereof or otherwise, so that the floor space required of any building or structure on such lot will be less than that prescribed by this By-law for the district in which such lot is located.

(b) If any such reduction in lot area occurs, no building located on the lot shall thereafter be used until the floor space requirements applicable thereto are complied with.

(c) When any part of a lot is required by this By-law to be reserved as a yard or other open space, it shall continue to be so used exclusively regardless of any change in the ownership of the lot or any part thereof, and shall not be deemed to form a part of an adjacent lot for the purpose of computing the area thereof available for building purposes.

19. Yards Shall Be Open;

(a) Every part of a required yard shall be open from its lowest point to the sky unobstructed except for the ordinary projections of 2 feet or less of sills, masonry course, chimneys, ornaments, cornices and any permitted accessory buildings. Open or lattice-enclosed iron fire escapes or other unenclosed stairways may project into side and rear yards a distance of not more than 4 feet, but in no case shall any intrusion interfere with the use of a driveway required for access to a garage or parking area.

20. Public Services and Utilities:

Notwithstanding anything contained in this By-law,

the Township or any local Board thereof as defined in the Department of Municipal Affairs Act, any telephone or telegraph company, a transportation system owned or operated by or for any adjacent municipality and any department of the Dominion or Provincial Government including the Hydro-Electric Power Commission of the Province of Ontario may for the purpose of the public service, use any land or erect or use any building or structure in any zone notwithstanding that such building, structure or proposed use does not conform to the provisions of this By-law for such Zone Provided that such building or structure if located in any residential zone, shall be in substantial compliance with the height, coverage and yard regulations prescribed for such zone and there shall be no exterior storage of goods, materials or equipment in any residential zone and that any building erected or used under the provisions of this section shall be designed and maintained in general harmony with residential buildings of the type permitted in the said zone.

21. Sections Severable:

It is declared that notwithstanding that any section or sections of this By-law or parts thereof may be found by any court of the law to be bad or illegal or beyond the power of the Council to enact, such Section or Sections or part thereof shall be deemed to be severable and that all other sections or parts of this By-law are separable and independent therefrom and enacted as such.

22. Violations & Penalties:

Every person who contravenes any of the provisions of this By-law shall upon conviction thereof forfeit and pay at the discretion of the convicting magistrate a penalty not exceeding (exclusive of costs) the sum of $300.00 for each offence.

23. Other Remedies:

The penalty authorised by the provisions of Section 13

of this By-law shall be in addition to any other remedy provided by law for the enforcement of this By-law.

24. By-law Number 832 is hereby repealed.

25. When Effective:

This By-law shall come into force upon receiving the approval of the Ontario Municipal Board but shall take effect on the day it is passed by the Council.

Enacted and passed this ~~Third~~ Fourth day of December A.D. 1961.

R. J. Annis
Reeve

H. E. Hotton
Clerk-Treasurer

BY-LAW NUMBER

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regulate the use of land and
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FIRST READING.....

SECOND READING.....

THIRD READING.....

West, Marsden, Robb & Wiggins,
Barristers, etc.,
34 Queen Street West,
Brampton, Ontario.